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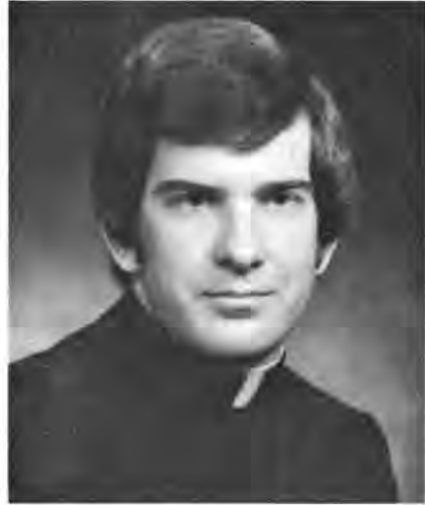
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# Personhood: The Conditions of Identification and Description

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The pro-life movement bases its contentions that abortion is murder on the supposition that the developing stages of human life are persons who merit the rights and protections of the Fourteenth Amendment. While many believe this presupposition to be valid and true, a study that manifests the grounds and reasons for this premise is lacking. In this work, I wish to delineate briefly the conditions, events, states and processes that permit a justifiable ascription of personhood to the developmental states of human life. This work will fall far short of a proof of this postulate, but it may lend greater clarity to the pro-life position. I shall suggest here that the person must be understood as an identifiable individual who is not only the subject and causal agent of certain material predicates, but is also the subject and causal agent of certain human states of mind and consciousness. And because the person is identifiable as such, personhood can be justifiably attributed to the developing stages of life that indicate the presence of a subject and causal agent of human states of mind. Failure to ascribe personhood to these developing states will result in logical and legal dilemmas. (See Appendix.)

If predication of the quality of personhood of the developing stages of life is going to be rationally feasible, then these stages must be shown to be not only states of the persons, but also to be states of

individuals who are readily identifiable and locatable. This is the case because persons as such are not identifiable and locatable, but can only be so identified as qualities of readily locatable and identifiable individuals. This fact makes it necessary to elucidate not only the particulars necessary for the identification of individuals, but also the various modes in which individuals can be identified. This study will proceed by first pointing out the characteristics of publicly identifiable individuals. Then it will delineate the modes employed to describe observed individuals in our perceptual and sensory matrix. The third section will then draw attention to the traits and characteristics manifested by individuals who are properly and justifiably termed persons. A section dealing with the rights to existence of persons will conclude this essay.

## I.

### The Types of Individuality

The most primitive type of individual is the material individual.<sup>1</sup> Identification of all other types of individuals is contingent upon identification of them first as material individuals. But material individuals are members of the class of things. A thing is an observable logical unity of particulars.<sup>2</sup> But things cannot be properly termed individuals, because some of them lack the logical structures and characteristics that would permit them to be identified as individuals. Thus, gases and shafts of light are things, but not individuals because the logical structure and arrangement of their particulars does not permit them to be individuated. It is not possible to differentiate one body of gas from another, or to distinguish one ray of light as being distinct from another when there is no other material individual separating them.

The class of material individuals possesses particulars that are arranged so as to permit observers to distinguish them clearly, and to identify them readily. In this section the particulars that serve to constitute a thing as an identifiable individual will be considered. They are:

- 1) tangibility, resistance to touch, or operation in the tactile range,
- 2) spatio-temporal location,
- 3) retention of the unity of particulars over a temporal duration,
- 4) public observability, and
- 5) facile reidentification.<sup>3</sup>

Identification of a thing as an individual is only possible if the thing being identified retains at least these characteristics and traits. The reasons for these characteristics must be considered.

1) **Tangibility.** The class of material individuals is the class that is the proper subject and causal agent of corporeal characteristics. This class is noted primarily by the fact that members of the class of material individuals retain the trait of resistance to touch.<sup>4</sup> Material

individuals are not noted primarily for their extension in space, or their solidity, but for their resistance to touch. This particular that inheres in material individuals separates them from those things that do not exhibit resistance to touch such as shafts of light. In more general terms, the class of material individuals is the class that possesses qualities in the tactile range. These qualities are locatable and identifiable when they are united to other types of particulars that mark the class of material objects and individuals.

**2) Spatio-temporal location.** Identification of a thing as a material individual requires that the observed thing be locatable in a spatial and temporal framework. Particulars logically related to the thing must be observable as existing in spatio-temporal relations.<sup>5</sup> Identification requires that an observer be able to refer to particulars as existing "next to" or "under" or "above" other spatially referrable particulars and things. Also, the observer must be able to refer to particulars as existing "before" or "after" or "contemporaneous with" other particulars, events, processes or sequences that are identifiable and locatable. Identification of material bodies and individuals is not hampered by the differences in specific particulars because of the fact that these particulars can be identified in many instances by their spatial and temporal location.

Identification of a thing as a material individual not only implies that the material individual itself is identifiable, but also that the location in time and place of the individual's existence is also identifiable. Without making prior reference to a particular identified individual, an observer can know it and identify it simply by identifying its place in space and time. This is the case only with material individuals because they are such that their location in place and time serves partially to identify them as things that are material individuals.

**3) Retention of particulars.** The third factor that differentiates material individuals from other things, and that permits identification, is that their composite of particulars retains their observable characteristics over an extended period of time. The color, dimensions, weight and texture of material individuals remain constant over time when compared to such things as fluids or rays of light. If material bodies and individuals did not retain these and other identifying particulars over a relatively extended period of time, then observers could not make continuous or repeated identifying references to them. Characteristics and particulars that are protean or vanishing render it impossible to observe individuality in sensible things. Constancy in these particulars is an exigence for the identification of things as material individuals.

**4) Public observability.** The fourth condition necessary for identifying a thing as a material individual is that the thing must be publicly

and commonly observable.<sup>6</sup> This condition eliminates such objects as concepts, emotions, perceptions or volitions from this class. This condition is a general and imprecise criterion for identification, but it does serve to enable an observer to distinguish various types and classes of experiences and things. Members of the class of material individuals are publicly observable and generally referable to any number of discrete observers. But members of such a class as that of private experiences and objects lack this characteristic. This means that quite distinct persons can literally see, touch or smell publicly observable material individuals, but cannot do this with members of the class of privately identifiable objects such as concepts, emotions or volitions that do not exist abidingly in a unitary spatio-temporal framework of reference.

5) **Facile reidentification.** The fifth condition necessary for the identification of a thing as an individual is that the object be readily reidentifiable. The class of material objects is a class whose elements are all readily reidentifiable to observers because their unity of particulars exists enduringly in a spatio-temporal matrix.<sup>7</sup> In contrast to this condition found in members of the class of material individuals, such things as shafts of light, fluids or gases are not readily reidentifiable as the same thing that was previously observed. Facile reidentification of a thing means that it can be identified at one point in space and time as being a unity of observable particulars, and can be identified as the same unity of particulars again at a distinctly different point in either space or time. The scheme in which conscious observers operate is such that an individual located at one particular time and place can be easily described as the same individual at another time and place if the individual is a member of the class of material individuals.

Reidentification takes place not only because observed unities of particulars in material individuals abide continuously, but also because the place and time in which material individuals are identified are also identifiable.<sup>8</sup> It is because of this that an observer can assert of a material individual that "It is the thing that I saw there." If place and time were not locatable and identifiable, then this form of identification would not be possible.

Facile reidentification is also possible with the class of material individuals because identification of the individual is not simply an identification of the unity of particulars of the individual. Observers note that individuals, bodies, objects or things are identified as being more than just unities, conglomerations or constellations of specifics, particulars or traits. Particulars refer to the individuals who are identified, but they are not the objects of identification themselves. If it were the case that identifying references were made of particulars of individuals rather than of the individuals themselves, then changes or alterations in these particulars would make identification of the indi-

viduals referred to impossible.

Having briefly outlined the conditions required of a thing to be classified as an identifiable material individual, it is necessary to outline the modes in which identification of material individuals is made.

## II.

### The Modes of Identification

This section shall consider the three modes in which identification of material individuals can properly occur:

- 1) demonstrative identification,
- 2) identifiability-dependence identification, and
- 3) locatable sequential identification.

1) **Demonstrative identification.** This is the most primitive form of identification. In this mode, an observer notes the individuality of the observed thing because of a unity of particulars that are distinct and unique while standing in a cause-effect relationship to the material individual.<sup>9</sup> The particulars referred to in this mode of identification are of a type that is proper to the individual to which reference is being made, and are not proper to any other individual. When an individual is described and identified as "the man with the red hair," for instance, identification is made by referring to particulars that are in immediate unity with the material individual being identified. The individual being identified stands as the material subject and causal agent of the particulars to which reference is being made. Identification of the individual is made in this mode of identification because the particulars that are referred to cannot exist independently, but can only exist in a material subject that is a causal agent of these particulars. In this mode of reference and description, the subject of the observed particulars is not referred to by making prior references to particulars existing in immediate unity with other individuals and subjects. In demonstrative identification, the particulars referred to by the observer are "owned" by the material individual because these particulars can only exist through the causal agency of the material subject. Identification of the subject is possible because the observed particulars serve to distinguish their subjects which are numerically distinct from other subjects which abide enduringly in our unitary, four dimensional, spatio-temporal framework of reference. In demonstrative identification, the observed particulars refer immediately to the individuality of the material subject because the material subject alone is their causal agent.

2) **Identifiability-dependence identification.** Objects of reference are described as individuals in this mode of identification because a unique and mathematically distinct subject of other existing particulars is known by reference to other observed particulars.<sup>10</sup> Demonstration and description of a material individual in this mode of refer-



ence rest upon the ability of an observer to observe particulars in one subject that refer in and of themselves to another discrete subject and individual. Identification of an individual in this mode is dependent upon identification of one unitary set of particulars in a subject that can refer the observer to another subject that is an independently existing material individual. In the case of an observer identifying a person as "the boy who was hit by John's car," the individual identified is referred to by particulars not immediately related to him. The boy is described and identified in this example by particulars that are causally related to another material individual. Identification of the boy is made because reference is made to particulars that are causally related to material individuals that are distinct from the boy, i.e., John's car. This mode of identification and description is as reliable and as certain as the demonstrative mode of identification when the uniting relationship between the observed particulars and the identified individual is shown and made manifest. Identification of the boy is certain when the relationship between the boy and John's car is clearly referred to by the speaker and the hearer.

**3) Locatable sequential identification.** Identification of a thing as a material individual can justifiably occur when an observer can designate a subject of a unitary set of particulars as a member of an identifiable and describable series or sequence.<sup>11</sup> Identification of a material individual in this mode is not contingent upon observation of particulars immediately related to any specific subject or individual. Rather, identification is contingent upon the ability of the observer to locate the material individual in a numerable series, process or sequence. In this mode of reference and description, an individual is referred to, for example, as the "*n*"th individual in series or sequence "K." It is possible, therefore, to locate and identify the individual if the series or sequence itself can be located and identified.

If these conditions are accepted as the most general and common modes of identification, then it is relevant to consider the ways in which they are applied to the identification of higher types of material individuals. Consideration will now be given to the particulars that distinguish animate individuals and persons from other things. Given the fact that these types of individuals are members of the class of material individuals, the means of identifying them will be the same as those used to identify members of the class of material bodies.

### III.

#### **Animate Individuals and Their Defining Particulars**

For the purpose of this work, which is to outline the conditions that permit proper identification of individuals as persons, we shall now consider animate individuals as a unique type of material individuals. And the class of animate individuals shall be further considered

as divided into those who possess self-mobility and those who lack this characteristic. We are most interested here in the particulars which distinguish those individuals who retain locomotion. The particulars that constitute them as animate individuals are:

- 1) growth from immanent sources,
- 2) states of consciousness that permit responsive reflexes,
- 3) perceptual thought, and
- 4) origination and termination of these states in time.

Animate individuals retain all of these characteristics that material individuals possess, and also retain these particulars that furnish grounds for their uniqueness and distinction. Let us examine these particulars more closely.

**1) Growth from immanent sources.** Essential to the class of animate individuals is the fact that their growth is derived from internal and immanent sources. Growth in these individuals is not simply an addition of greater mass or volume, but is usually the entering into a condition where higher orders of functioning and responsiveness are actualized.

**2) Responsive states of consciousness.** A fundamental distinction between animate and inanimate individuals is found in the ability of animate individuals to exhibit states of mind that permit the individual to respond to conditions, events and processes that are immanent to their environment. Response should be understood here as the act whereby the individual selects one possible option among some or many in reaction to an immanent or distant stimulus. Distinguishing the more sophisticated and complex animate organisms is possible by determining their range of responsive options.

**3) Perceptual thought.** A trait that is evident in some members of the class of animate individuals is perceptual thought. In this form of thought, the individual is able to think and form intramental images only of objects, things and individuals that are perceptually present.<sup>12</sup> The responsive behavior of animate individuals is grounded on the presence in them of thought that refers to the perceptually apprehended present. Many individuals in this class can generalize, discriminate, abstract and solve problems by trial and error. But this form of thought does not permit animate individuals to respond to environmental circumstances by judging, thinking about individuals and objects that are not perceptually present, or reasoning about necessary and contingent relations among perceptually present individuals and subjects.

**4) Origination and termination of these states.** Quite evident to any intelligent observer is the fact that the states of immanent animation, responsiveness to cues from an environment, and perceptual thought originate and terminate in time. This is not the case with material



individuals, for there is no observation that states such as these begin and end in them. With the termination of these states, the intelligible unity of the animate individual ceases.

These are the distinguishing characteristics of animate material individuals. Now the characteristics that distinguish persons from animate individuals and material individuals must be considered.

#### IV. Person Predicates

In this section, I shall describe the conditions necessary for the identification of an animate organism as a person. It is quite possible to describe developing stages of life as material and animate individuals, but to describe these stages as persons is another matter. Doing so will require the presence of evidence of particularly personal characteristics in these stages of life. Evidence must be available of traits that are not found in other classes of individuals, and that mark the stages of developing life as being stages in the development of a unique type of individual. The traits and characteristics of the person must therefore be clarified here.

Personhood is not strictly equivalent to individual consciousness, pure consciousness, embodied ego, or embodied *anima*.<sup>13</sup> Rather than being coterminous with these notions, personhood is more properly understood as that quality by which an individual stands as a causal subject of private human experiences such as dreams, volitions, emotions and concepts.<sup>14</sup> The person is one who "owns" these private states and processes. The concept of the person is that of an individual who stands as the causal subject of willing, thinking, emoting and experiencing specifically human states and actions. This is a concept which is crucial to our conceptual and perceptual framework because it permits human states of consciousness and mind to be identified, described and "owned."<sup>15</sup> If this concept were lacking, then it would be impossible to identify the private actions, states and processes which are experienced by humans.

It should be noted even further that the concept of the person is unique. The person is a "compound individual" because it is the causal subject of both corporeal and personal traits and predicates,<sup>16</sup> and thus the person is readily identifiable and locatable. If persons were not subjects of these two types of predicates, it would not be possible to identify and reidentify them. The fact that persons are compound individuals means that human states of mind and consciousness can be located and identified in our unitary spatio-temporal framework of reference.

The specific characteristics that identify the class of persons are:

- 1) conceptual thought,
- 2) syntactical and propositional speech,
- 3) intentional expression,

- 4) non-public observability of its states, and
- 5) a non-transferable character of these states.

**1) Conceptual thought.** The characteristic of conceptual thought is found only in the class of persons. Conceptual thought enables the individual to judge, think of objects that are not perceptually present and reason about the necessary and contingent relations existing between things.<sup>17</sup> Conceptual thought is distinct from perceptual thought, and cannot be reduced to perceptual thought because it knows objects with insight and understanding. Conceptual thought enables the subject to gain insight into the nature, state and relation of things. This insight gained through conceptual thought enables the subject to understand intelligently the object of thought and rationally affirm this insight and understanding.

**2) Syntactical and propositional speech.** This characteristic is found in its complete form only in the class of persons. It is the capability to use syntactical and propositional forms of vocal utterance to communicate insights, understandings and intelligently formed emotions. It is unlimited in its capability and is not stimulus bound.<sup>18</sup> The use of syntactical and propositional speech from natural causes implies an understanding and insight into its usages. The utterance of a propositional sentence by an animal is not aptly considered a speech usage because the animal cannot demonstrate an insight into his utterances by providing a rational, coherent and intelligent explanation and account of the circumstances, conditions and reasons for the utterance of the sentence. But persons who employ syntactical and propositional speech with understanding are able to provide this account in most circumstances when asked.

**3) Intentional expression.** A further distinguishing trait and characteristic of persons is that they retain the capability of expressing intentions and volitions. This expression is also conscious, intelligent and rational. It sometimes exhibits itself in speech, art, ritual, myth and symbolic behavior. There is little indication that other types of individuals exhibit the range of forms of intentional expression that are found in persons. While other animate individuals may act intentionally and purposively, only persons can express the wide range of intentions that they possess.

**4) Non-public observability.** The states of mind and consciousness retained by persons are private and non-observable to public observers.<sup>19</sup> The states of mind present in persons are private to them and cannot be referred to, described or immediately identified by any other individual than the persons who are experiencing them as their own states of mind and consciousness.

**5) Non-transferability.** The above mentioned states of mind and consciousness are not capable of being transferred to other individuals.<sup>20</sup> The private emotions, thoughts, intentions and intramentally

formed propositions cannot be transferred to other individuals. The products of these states of mind can be communicated to other individuals by various means, but these states of mind are non-transferable in themselves.

### Traits to Distinguish Persons

These are the traits by which persons are distinguished from other animate and material individuals. The circumstances and condition in which one can ascribe personhood to individuals who manifest the presence of these traits must be clarified.

First, person predicates are ascribed to one's own animate individuality when observed actions indicate the presence of a subject causing human states of mind and consciousness that are related to specific private acts of willing, conceptualizing, emoting or intending.<sup>21</sup> It is justifiable to predicate personhood in this circumstance because it is the only predicate that will adequately explain and account for the presence and causal structure of the observed states of mind and consciousness. If personhood is not ascribed in this circumstance, then one must explain the observed states of mind as being causally related to merely a material or animate individual. But doing this will not enable one to account for the fact that other animate individuals do not manifest these same states of mind and consciousness.

The second condition in which it is proper to attribute personhood to an animate individual occurs when observed actions in other individuals are peculiarly human and personal.<sup>22</sup> It is proper to ascribe personhood to the discrete individual who manifests these attributes when that attribution alone will provide adequate explanation for the observed human and personal actions. When another individual manifests conceptual thought, intentional expression, syntactical and propositional speech, and intelligent insight and understanding into these actions, then only the attribution of personhood will sufficiently explain the behavior of the individual.

The third case in which it is justified to ascribe personhood to animate individuals occurs when one's own animate individuality indicates the presence of a subject which is capable of being causally related to human states of mind and consciousness.<sup>23</sup> This is the case because personhood is not contingent upon the actualization or functioning of specifically human modes of action. If this were not the case, then one whose consciousness was in a sleep state would not be appropriately defined as a person because conceptual thought, intentional expression and syntactical and propositional speech would not be actively employed in that condition. Personhood is aptly attributed to animate individuals who retain the power to employ human and personal states of mind. It is not limited to those individuals who are employing human capabilities, but to those who retain the capability to employ these states in action.

The fourth condition in which personhood is appropriately applied to an individual occurs when other individuals manifest the capability of causing human states of mind, and of "owning" human actions and states of consciousness.<sup>24</sup> This assertion is warranted because the predication of material or animate predicates in this condition will not adequately explain the behavior of the individual. Personhood is ascribed to the infant, for example, because it is capable of manifesting and performing specifically human actions of conceptual thinking, intentional expression and syntactical and propositional speech. It is not termed a person because it is exhibiting those states of mind during its periods of infancy, but because of its capability to cause human forms of action and to stand as the subject of human states of mind and consciousness.

It should also be noted that individuals who have the capability to be self and other ascribers of personhood can appropriately be defined as persons. Individuals who can perform these two distinct types of actions with insight and understanding can aptly be termed persons.

Having clarified the particulars which identify animate individuals as persons, it is necessary to consider the possibility that developing stages of life may be developing stages of persons, and not just developing stages of material or animate individuals.

## V.

### Developing Life: Its Individuality and Personhood

Against those who would deny that the developing stages of life are discrete and distinct individuals, it has to be affirmed here that they are materially and numerically distinct from all other individuals. It is not terribly difficult to show that they are animate individuals for they exhibit growth from immanent sources which result in more complex forms of existence. But these stages of developing life are also individuals because they are numerically distinct and can be identified by demonstrative identification, identifiability-dependence identification, and locatable sequential identification. What clarifies their uniqueness and individuality, however, is their unique genetic structure. From the moment of genotyping, the developing stages of life retain a genetic coding which is absolutely unique in the world, and cannot be duplicated except in the case of identical twins.<sup>25</sup> This unrepeatable genetic structure causes a distinct and unique form of behavior in the developing stages of life. The actions and processes exhibited by this thing from the moment of its genetic coding make evident its distinctiveness in relation to surrounding cells and organs. From the moment of its genetic coding, the zygote begins to "pattern" the activity of its surrounding dependent cells. And in contrast to cells which are not derived from the zygote, this cell initiates the development of a primitive neurological structure shortly after it is formed. If the zygote and the subsequent developing stages of life

were not considered to be animate individuals, then it would follow that from the point of genetic coding, they would be distinct cells from those in their environment. But this is not witnessed by any serious observer. The developing stages of life, while dependent on their host for nourishment and protection, are distinct from their host by reason of their distinct genetic structure and developmental processes. If, on the contrary, one were to assert that the developing stages of life were not distinct from their surroundings, then one would have to explain why their processes were distinct from the processes of surrounding cells and organs. One would have to also explain why this supposedly homogenous entity retains a distinct and unique genetic structure.

If it is accepted that the zygote is an animate individual, then consideration must be given to the possibility of it being a person. It is more difficult to show that the developing stages of life are stages in the development of the person because they exhibit few of the common characteristics that we ordinarily associate with persons. We usually conceive of the person as a being with whom we can converse, do business, and reason, for example. And it is difficult to perform these very common and ordinary interpersonal activities with the developing stages of life that we are trying to consider as persons here. It is necessary to investigate the grounds for assigning personhood to the developing stages of life.

It is not possible to assign these stages to the category of animate individuals alone because this would imply that they transfer into the category of persons at some later time. This would imply that the acquisition of some characteristic or trait at a later time would justify their transfer into the category of persons. It is not possible to conceive of these developing stages acquiring a quality or state that would permit this transfer. If linguistic usage, for instance, were the acquired characteristic, then animals such as baboons or porpoises which exhibit a form of linguistic usage would be categorizable as persons. Or, if one asserted as another possible basis for this transfer the case of conceptual thought, one would face a similar difficulty. For, if this were the case, then it should be possible for other higher forms of animate life to acquire this trait also because conceptual thought would then be transferable. But this does not seem to be the case. It does not seem possible at the present time to transfer the capacity for conceptual thought to animals and animate individuals which have only the capability for perceptual thought. In summary, the developing stages of life cannot be aptly categorized as animate individuals. Doing so would imply that a future acquired characteristic would justify their transfer to the category of persons. And this is logically equivalent to equating personhood with that acquired characteristic. Entailed in this is the possibility that any other animate individual which can come to retain that characteristic can, by logical right, be



termed a person. If the developing stages of life cannot alone be termed animate individuals, then the grounds for predicating personhood of them must be shown.

### Characteristics of Stages of Life

There are five characteristics manifested by the developing stages of life which warrant the predication of personhood of these stages. The developing stages of life are:

- 1) subjects of developing human states of mind and consciousness,
- 2) subjects of developing human actions,
- 3) causal agents of these developing states and actions,
- 4) causal subjects of these states, and the only material individuals who can be said to "own" these states, and
- 5) the only animate individuals who can permit identification and description of these states of mind and consciousness.

It should not be thought that the developing states such as the zygote, embryo and fetus are three distinct persons. They should be conceived of as developing stages of the person and not as three discrete persons. These characteristics must now be considered more fully.

1) The states of mind and consciousness which are later manifested in mature and fully developed individuals come to maturity and grow in the developing stages of life. Conceptual thought, intentional expression and syntactical and propositional speech do not erupt into the world without a period of development and growth. They do develop, and the locus of their development is the phases of development of the human biological individual. And because these biological individuals are the focal points of their development, these individuals must be considered as persons. It must be recalled that the person is not the individual who employs human states of mind, but rather is the individual who has the capability to employ these states.

2) Human actions of speech, intentional expression and conceptual thought must occur in an identifiable individual because they are not identifiable in and of themselves. If they simply occurred without being identifiable, then they would strike us as being the product of some psychosis or disorder. The human actions of speech development, developing conceptual thought and developing intentional expression occur in the developing biological stages of life. These developing human actions are verifiable human actions, and they are identifiable as such because they occur in an identifiable animate individual. The developing stages of life are stages in the growth of the person, and not just of animate individuals because their existence permits developing human actions to be identifiable in our framework of reference.

3) The developing stages of human life are causal agents of developing states of mind and consciousness in that they are the states which

permit persons to be identified and described in our perceptual matrix. Because the person is the subject of human states of mind, it causes them to exist and be intelligible in our framework of reference. The developing states of life are conditions of persons because they are compound individuals which are the subjects of material and personal predicates. And being the subject of both types of predicates, the developing stages of life make these person-predicates intelligible to public observers.

4) The developing stages of life as stages in the growth of the person are persons because they "own" the developing states of mind. It is not possible to subscribe to a "no ownership" theory of human states of mind and still have a coherent image of our perceptual framework. The theory would hold that states of consciousness could not be properly ascribed to any material individual, and it ultimately contends that states of mind are unidentifiable and indefinable. So, if states of mind must be ascribed to anything, they should be ascribed to the animate individual who experiences them as private, personal and incapable of being transferred to any other individual. If the developing stages of consciousness are to be "owned" by any animate or material individual, they should be owned by the individual who experiences them as private. Thus the developing stages of life should be considered as states in the development of the person because they permit private experiences to be claimed with justification and identified.

5) No other animate individual has the capability of ascribing developing states of consciousness to himself in the same manner that the developing human biological individuals do. All other animate individuals will refuse to claim as their own the states of mind which the developing human individual claims as a personal possession. All other ascribers of personhood would designate those states of mind as belonging to that individual and not to themselves.

The developing states of human life are states of the person because they are capable of being self-ascribers of personhood, and other ascribers of personhood. They possess this capacity with an insight and an understanding of its meaning, implication, entailment and consequences. They are also persons because these are done rationally and intelligently. Animals may ascribe personhood to themselves and to others, but they cannot do this with insight, intelligence and rationality.

It is not proper to deny personhood to the developing stages of life because their capacities are not fully developed and actualized. This is the case, again, because personhood is not a function of the employment of capabilities in a subject. The person is not the one who acts in a fashion that is similar to what we ordinarily call a person. The person is the subject and causal agent of actions and states of mind and consciousness which are specifically human. Personhood is attrib-

uted to animate individuals which have the capability for conceptual thought, intentional expression and syntactical and propositional speech, and not to those individuals who employ these forms of action.

It is now pertinent to ask what rights the person has who exists as a developing form of human biological life because contemporary ethicists contend that the developing stages of life do not have an absolute and unconditioned right to life since exercise of that right entails the use of another person's body.

## VI.

### The Right to Life

If it is true that the developing stages of life have no right to life because exercise of that right entails the use of another's body, then it would be true that developing stages of life which are brought to maturity in test tubes and laboratories would have a right to life that is denied naturally born persons.<sup>26</sup> Only the most morally obtuse could agree that this should be the case. The use of another's body does not deny a person the right to exercise his right to life. This can be shown by an analysis of the value inherent in persons which prohibits denial of their right to life.

The value, sanctity and unconditioned right to exercise one's right to life derives from the value that God the Creator imputes to human life.<sup>27</sup> The value or worth of an individual is established by its creator and by those who employ it. The value of an object is not determined solely by those who have use of an object or individual, but is constituted in part by its makers. The dignity of man is an "alien dignity" because it is bestowed by God. It is "loaned" to man by God so that this value and dignity may be used by man to give praise to God. And entailed in this act of giving praise is the giving of life, value, dignity and worth to others by participating in their creation. Giving praise implies that persons participate in the bestowing of life, dignity and worth on others. Allowing another person to make use of one's body is a form of giving praise to God because it is an act by which another person is created and receives an absolute and unconditioned worth and value. Allowing another to use one's body so that the other person may use the life bestowed upon him fulfills the divine command to give praise by bestowing dignity, worth and value on others.

If one were to reject this analysis of the value of human life, there is still another basis for asserting the unconditioned value and worth of human life. If one were to deny that the value of human life is derived from divine gifts, then it could be argued that the value of persons at any stage of their development comes from their potential actions. Persons have the capability of conferring higher orders, logics and meanings on our universe.<sup>28</sup> Persons have an absolute right to life because there are no other existing individuals or classes of indi-

viduals who can subordinate the values that man can impute to his universe. The values, logics and orders that man can integrate into the universe are superior to all other orders, and because of this, they have a right to exist absolutely. But these values are not created by isolated and discrete individuals. They are the product of the whole human community, and because they are the product of this totality of human persons, the totality of human persons has the right to exist absolutely. For if one denies a right to exist unconditionally to a member of a particular class of individuals, one is logically compelled to deny this right to all members of the class. Therefore, if one denies a member of the class of persons a right to exist absolutely because that member's contributions to the development of human life are inconsequential, one is logically bound to deny this right to almost all the members of the class of human persons. This is the case because only an infinitesimally small number of persons can claim truly monumental contributions to the advancement of human life. Persons have an absolute right to life because they are members of a class of individuals which has an undetermined potential for integrating higher logics, orders and meanings into the existence of the universe. This, and not the value of individual contributions to the uplifting of human life, gives persons their right to life.

At any given time, a person is a quantity of unknown value. One can never know when an action, discovery, or insight of inestimable value will occur in one's life. One only has to witness the cases of Newton and Archimedes to verify this. The discoveries and insights of individuals such as these, who can never be known before their discoveries are made, far outstrip the hardship and difficulties created by persons of lesser genius and accomplishment. To destroy individuals simply because their existence causes physical inconvenience for a short duration of time, runs the serious risk of destroying individuals whose possible genius can advance human development by immeasurable lengths. Destroying individuals for these reasons seriously risks the danger of destroying those capable of radically advancing human development and life.

Persons have an unconditional right to life, and this is one of the elements of their distinctiveness. Material and animate organisms have only a conditioned right to life. Their exercise of their right to life is absolute except in circumstances where their existence threatens harm, injury or loss to persons, or where the termination of their existence is needed for the protection or nourishment of persons. The right to life of persons is absolute except where it is voluntarily and willfully forsaken by the individual. A person forsakes his right to life when he becomes an immediate, immanent and proximate threat to the existence or health of another person. Beyond this circumstance, there is no situation wherein a person's right to life can be subordinated to some other value. To grant only a conditioned right to life to

persons is equivalent to reducing them to the classes of material and animate individuals. To deny unconditioned rights to life to persons is equivalent to degrading them to the level of material or animate individuals.

### Conclusion

In this work, I have tried to show the logical necessity of ascribing personhood to the developing stages of life. It is necessary to describe and identify these stages as persons because of the conditions prevailing in our perceptual and sensory framework of reference. These conditions govern and dictate the means by which individuals and human states of mind and consciousness are identified and claimed. Denial of the personhood of these stages of life calls into question the conditions of identification and description employed by all observers.

There is, however, another reason for ascribing personhood to the developing stages of life which is more pragmatic, and possibly more convincing. Denial of the personhood of these individuals entails that they are only animate organisms. And if they are only living organisms, then it is logically conceivable that they could be used as one would any other living organism. This implies that they could hypothetically be consumed for their nutritional value without necessitating any moral strictures. This absurd and inhuman condition is a logical outcome of the premise that the developing stages of life are not persons with an absolute right to life. While it is wholly inconceivable that anyone would ever attempt such an atrocity, there is no substantial logical basis for prohibiting it if the personhood of the developing stages of life is denied.

### Appendix

The *Roe vs. Wade* decision has created ambiguities for many statutes, laws, ordinances and regulations which refer to the treatment and care offered to the remains of the deceased. Most of these statutes and regulations are concerned with the maintenance of public health and sanitation. They regulate the disposal of deceased "human persons" or "dead human bodies." And because they refer to these legally defined entities, they do not strictly apply to the remains of aborted embryos or fetuses which are not classified by law as "dead persons" or "deceased persons." Thus, such statutes as that which governed the decision in *The State vs. Bradbury*, 136 Me, 9A2d 657, are not applicable to one who consumed the remains of a legally aborted fetus with the mother's permission because the fetus is not a person meriting the protection of this statute. What this means is that mutilation and improper disposition of the bodies of aborted fetuses and embryos are not punishable by law. Statutes and regulations governing the disposition of the remains of the deceased are inapplicable because aborted fetuses are not considered to be persons. What has



been traditionally considered to be cannibalism — the eating of the remains of the dead — is not punishable by law when it is the remains of the human fetus which are consumed.

The unauthorized mutilation of the remains of deceased persons is an offense against common law (*State vs. Aitkens*, 352 Mo. 746, 179 Sw sd 657). This decision does not apply to aborted fetuses which are mutilated because they are denied the rights and protections of the Fourteenth Amendment.

The anti-abortion statutes which have stood for so long existed to prevent even the slightest possibility of actions such as this escaping legal penalty. The *Roe* decision is so dangerous because it has established legal permission for such actions. It is inconceivable that these actions would ever occur, but ten years ago, the Charles Manson story was inconceivable. At least then, there were laws that permitted him to be punished.

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